

NOT AFRAID TO FACE ACCUSERS

(Continued From First Page.)

There was nothing in his sermon about the case which has held the attention not of a county alone, but of a State and a country. Juror Hancock was slightly indisposed in the morning, but had recovered before the call for supper was sounded. It was hot, and the twelve men sat around the table in their shirt sleeves. A heavy shower came up after supper and they sat out on the porch.

Henry Beattie had his supper at half-past 7. It was taken to him by two of Jailer Cogbill's daughters, one dressed in pink, the other in white. They seemed rather proud of their simple little duty, and smiled at a group of newspaper men standing near. Henry retired early, for he realizes that he has a hard day before him, and that the issue between life and death will depend largely on how he impresses those twelve silent men who must decide.

Labor Day's respite for the public is expected to bring an unusually large crowd to the courthouse to-morrow, but as its capacity is limited to barely a hundred, there will be a scramble for seats at an early hour. The prisoner will take the stand immediately after court convenes.

Prepared for Attack.
The prosecution is prepared to attack the prisoner's story with a merciless fire. Prosecutor Wendenburg is primed for the occasion with dozens of letters and statements with which to surprise the accused. And in the rebuttal which will follow on Tuesday the Commonwealth will bring to the stand many a witness which it has purposely withheld until the story of the accused is before the jury. It will not be surprising to see Beulah Binford, the so-called "girl in the case," on the stand confronting the prisoner.

Various surmises have been rampant as to what kind of testimony she would give.

"Whether Beulah is called to the stand or not," said Mr. Smith to-day, "will depend on the revelations made by Henry in his testimony. If she is called it probably will be by the Commonwealth, and we wish they would do so."

Says It Is Trivial.

A story of the alleged effort of the prisoner to communicate with the Binford girl while she occupied a nearby cell in a Richmond jail and of a packet of letters discovered on a prisoner released from the jail was characterized as trivial by Attorney Smith. "The letters which the prosecution have," explained Mr. Smith, "were personal letters from members of the family of the prisoner to him, and in no way concerned the Binford girl. Henry told me that he hoped the prosecution would produce them, as it only would show the kind of tactics they have been using to try to convict him."

READY FOR FINAL FLING WITH DEATH

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The merciless fire it would be no proof of guilt, but if he should become entangled in the maze of testimony he would suffer in the sight of the twelve men on whom his future depends. In taking the stand, viewed in the light of all that has gone before, Beattie has nothing to lose and possibly everything to gain.

The Lone Witness.

The mere fact that he is so eager to testify, even in the face of circumstantial evidence, which is calculated to ruin him, can either be regarded as the desire of an innocent man or the mad chase of one who would fling with death. He is the one witness. The highwayman will never be found. As a witness, therefore, he will give his version of the crime in a manner which he believes will stand with the jury despite the confession of his cousin and despite the motive which the State has revealed. And the future will loom dark or bright for him to-night.

There is something fascinating about this boy's nerve. Though whipped and worn by all that has been piled upon his head, he will power—abnormal, perhaps—has not deserted him in despair. Only once since the night his wife was slain has the public seen the tears roll down his cheek. They were shed by his eyes while his heart-broken father went upon the stand and bared his soul to save the son in whose innocence he so firmly believes. His display of feeling while his brother was blundering in the hands of Wendenburg showed plainly that he would not fall into the same trap himself.

Testimony in Rebuttal.
When Henry Beattie leaves the witness stand to-day the defense will have closed its case. The prosecution is limited only when its testimony is limited only to rebuttal of that which the defense has offered. Little attention will be paid to the highwayman of vari-colored boards, and to other features of the defense more amusing than important. In order to keep its case intact, the prosecution must go after Beattie, the man who testified that he saw Paul Beattie with the gun on Sunday morning. It must harmonize Kastelberg's joy-ride with

the general scheme of things on the Midlothian Turnpike the night of the murder, and it must put corroborative evidence behind Paul Beattie. Mr. Wendenburg said yesterday that the line of rebuttal depended to a large extent on the testimony of Henry Beattie himself. What Henry admits, it will be unnecessary for the prosecution to prove; what he denies, it must substantiate if it can. Until the defense rests and new evidence is barred, the State is unwilling to show its hand in regard to rebuttal witnesses.

To Call Boys Again.

All day yesterday the wires were worked to test the Kastelberg story at every point. The dancing boys, who had hoped their days at court were over, will be recalled to show, if they can, that it was not Kastelberg they passed. The State will not deny that Mr. Kastelberg was on the road that night—it may even attempt to prove by the garage manager that he was at home before either Beattie or the dancing boys went forth. The boys saw a yellow top Buick car, a clean-shaven man and a woman in a tan coat. Kastelberg wears a mustache, his companion had on a white dress and the Knox car does not answer the description.

Henry will be asked to-day if he was on the Midlothian Pike at the scene of the crime about three hours previous to the murder, when Dairyman Roland Snyder testified to have seen a man and a motor car answering the description. If he denies it, Snyder's son will go on in rebuttal. The young man was with his father and saw all that the father saw, and can describe the man and motor car at the scene of the killing. Other members of the taxi-cab party will also be produced to corroborate young Adams along the same line. The crux of the trial is not so much what Henry Beattie says or denies to-day, but what part of his evidence the State can contradict or successfully rebut.

EVIDENCE GIVEN AT INQUEST

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There were closer houses than the Owen place."

"I know I could get back to the house in less time than I could wake up some one. There is a house about 100 yards from the place, and the man says he heard me holler and heard the shot."

"Did you talk to any one on the road?"

"No."

"Nobody spoke to you?"

"No."

"Nobody spoke to you when you were standing still and your wife standing on the running board?"

"No."

"You deny that?"

"You deny that anybody asked if they could give you help?"

"Yes."

"Taint your machine stop somewhere else on the road than where you have described?"

"No."

"You deny any one asking whether they could help you?"

"No."

The blood-stained clothes were critically examined and discussed. Beattie did not know how he got so much blood on the seat of his trousers.

Severe Cross-Examination.

Then began three hours of minute cross-examination, every statement Mr. Beattie had made being taken up and furiously subjected to searching scrutiny. Judge Gregory began:

"How long was the struggle between you and the alleged assailant?"

"I should say a couple of minutes."

"I should say a couple of minutes," answered Beattie. "It was hardly a scuffle. When I ran up to him he hit me and I grappled the gun and felt back."

"How far did you run?"

"Half the length of the car. I grabbed for the gun, feeling desperate, and pulled it from his hand."

Beattie explained that he was leaning forward in the car with his hands on the brake when the gun was fired. Measurements were taken of his normal position in running the car and in bending forward for the brake. The only stop coming back, he asserted, was to light the lamps, probably not two minutes. He had then gone possibly half way to the Owen house.

In answer to questions, Beattie said he had been to the place several times since, and seen the road. He showed me where the blood spot had been found," he said. "I did not recognize the place from the surroundings. I saw the blood stain on the road."

"How far were the blood stains from the point of shooting?" he was asked.

"I don't know," he replied. "I took it down, but I don't know where the place. I didn't know of the blood stains until we went back there. I don't know, as a matter of fact, whether the blood stains were where the shooting took place or not."

He had gone up in a car driven by his brother and seen Deputy Sheriff Snyder there with his dogs. He did not see Mr. Scherer at the time, but said Snyder was fussing because his dogs were not with the others. Ben Owen told him it was not a time to fuss about the murder.

Car Over Blood Spot.

"Was any effort made to place the car over the blood spot?" Beattie was asked.

"No. I was back and forward several times during the day."

"Was any effort ever made to place

Justice John and Murder Trial Reporters



Photo by W. W. Foster.

The fat young man, with his hands crossed, corpse-like, is Charles Somerville, of the New York World; the young man with his hands behind his back, wearing a scraggly mustache—not heard—is John A. Moroso, of the New York Evening Journal.

the car over the blood spots when you were present?"

"Yes, day before yesterday. There was a crowd about. I remember Mr. Wiltshire was there. He handed his pistol to some one to hold for him."

"Why was the car placed over the blood spots?"

"In an effort to incriminate me, I suppose. They did it because they could not find anything else, and were trying to blame it on me. I knew that when I told my father and brother that morning, only know of the case. My brother told me he knew they were after me, and Mr. Wells also thought they were trying to direct the evidence against me. Their taking my car and clothes impressed me, and my friends that they were trying to, incriminate me."

"Can you state any particular question that had such purpose?"

"They asked a hundred. I was questioned by Scherer and Wiltshire and different ones over and over again."

"How long did the car remain at the position of the shooting?"

"As long as it took me to get out and take the gun and pull her up across the seats. I should say about five minutes. I took the gun from the man and threw it into the car. I did not see it again until it was found. A negro with a wagon had it at the state morgue."

"What was with you on the ride from the drug store?"

"Rode Alone With Wife. Several people were sitting about. I don't know how far out we ran, but we passed a row of cedars, and my wife remarked that they would make good Christmas trees. My front lights throw a glare probably 150 feet. I saw nothing until this object stopped over into the road, and I put on the brakes."

"Yet you could see for 150 feet?"

"Yes, I was just looking straight ahead, not on either side particularly."

Wendenburg Takes a Hand.

Mr. Wendenburg here took up the examination, and brought from the witness the statement that he saw a vehicle on the return trip, which was taken at a flying pace. The car was running wide open. Going back to the man, Mr. Wendenburg wanted to know how far away he was when first seen.

"About twenty-five feet," said Beattie. "When I stopped the car he was on the left side of it, in line with the glass front and five or six feet out from the running board."

"Well, then, Mr. Wendenburg continued, "why didn't you go on about your business?" You cleared him five feet. He was not in front of you, but five feet on one side when you stopped. What did you stop for?"

"I stopped so short," answered Beattie, "that I had to change the gear before starting. He must have jumped back out of the way. I didn't notice the gun until he pointed it at me."

"When he said, 'Stop or I'll shoot,' what did your wife say?"

"Nothing at all. I was looking at the man, and suppose she was looking at him in the same way."

"What did your wife do?"

"She didn't do anything. She made no outcry at all. I suppose she left it to me."

Beattie did not recall whether the night was particularly cool. His wife did not say anything about turning back because she was chilled. He did not remember when he took his coat off. When he looked for it he wanted to get matches to light the lamps, and then it was on the back seat of the car. Beattie said he did nothing to aid his wife at the time of the shot, but jumped for her assailant, and when he came back he found her lying dead.

Illustrated With Gun.

"How is it possible for a gun to have struck you as you have described?" he was asked.

Beattie took the gun and illustrated, saying that there were some things no man could answer. He thought his assailant was a man with a "face full of beard," and could not tell his age. It might have been a long shave the man needed.

"Do you mean to tell us that this man threw up a gun and killed your wife without provocation?" he was asked.

"Other people have been shot at around here in motor cars without provocation," was the reply.

After many further questions, going over and over the same ground in minutest detail, Mr. Smith protested that this was the first time in his experience as a lawyer that a coroner's inquest was a "third degree."

"I never saw such a grueling at an inquest in my life," he asserted. "The detectives have had him and gone

over all this. The evident purpose is not to elicit information, but merely to get my client into trouble."

The coroner ruled that counsel could object to any question. Beattie expressed his willingness to answer to everything. Mr. Wendenburg explained that as he was the only eyewitness, the minutest details were of importance, whether some one else was to be involved in the case or not.

Call Gregory Down.

Judge Gregory took up another line of questioning as to the position of the woman's body. Mr. Smith protested that it had been gone over three times. Judge Gregory insisted on the question.

"I am presiding at this inquest," remarked Dr. Loving. "Not Judge Gregory. Judge Gregory will come to order or be put under arrest."

Judge Gregory insisted that his question must go on record.

"Sit down," thundered Dr. Loving. "I take my seat under protest," answered the Commonwealth's attorney.

"Any way, so long as you take it," snapped the coroner.

For a time thereafter Mr. Wendenburg conducted the examination.

The witness could not explain definitely how the blood got on his coat, especially in the middle of the back. He didn't know whether he had the coat on or not. He thought it probable that the blood came from his hands when he went to get the matches.

"Why isn't that little match pocket and those matches in it blood stained?"

The witness said he did not know, but thought he had wiped his hands on the coat in handling it.

"Do you mean to offer the explanation that this clot of blood on the back of the coat came from your hands?"

"Is it a fact that you threw the body across both seats and sat on the body on the way home?"

"I don't want to answer any more thinking such a thing," answered Beattie.

"No, sir."

"Didn't you put the body across both seats and you sit on the edge of your seat with the body behind you?"

"No, sir."

The witness said he owned several guns, but none of single barrel since he was a school boy.

"Were you living happily with your wife?"

"Yes, as happily as any one. I guess."

"Well, no one can say I ever spoke a cross word to her or she to me in her life."

"That's more than I can say," remarked Mr. Smith aside.

"Have you placed your affections on some other woman?"

"No, sir."

Mr. Smith protested against this line of examination, saying he had urged a free statement as to the killing of Mrs. Beattie, but that further questions of this sort he would advise the witness to decline to answer.

"It is an attempt to humiliate and an endeavor to incriminate him," he said. "He has given the incidents of his life to Mr. Scherer, and that should be enough."

"Mr. Beattie does not have to answer," ruled the coroner.

There was prolonged discussion of the question, Mr. Smith finally saying, "If you want to have him arrested do it, and we will meet you, but as to going into his outside life and humiliating him here in this effort to incriminate him, I protest it is out of order. He has been patient for hours and has answered every question. I advise him now not to answer."

Mr. Wendenburg argued that it was inadmissible to prove a possible motive for crime before a coroner's inquest.

"Haven't you within the past ten days given some other woman to believe that she had your affections?" he asked Beattie.

"No."

"Do you know Beulah Binford?"

"Yes."

"How long have you known her?"

"Now, I think you are going outside," protested Mr. Smith. "You can get her here."

"Haven't you in the last month conveyed to her written indication of your affection?" continued the cross-examiner.

"We decline to answer," declared Mr. Smith.

Here a recess was taken until 4 o'clock, after Beattie had been under close fire for more than three hours.

Afternoon Hearing.

After the exciting incidents surrounding the arrest of Beattie during the recess hour on the confession of his cousin and the dramatic collapse of his cousin, and while Paul Beattie

was still in hysterics, the hearing was resumed on the grass under the trees.

Henry Beattie returned to the stand, with Detective Sergeant Bailey beside him.

"Did you buy or take any part recently in the purchase of a gun with Paul Beattie?" asked Mr. Wendenburg.

"No, sir."

"Do you know Paul Beattie?"

"Yes. He is my cousin."

"Did you not have a meeting with him on Friday night? Did you tell your cousin to meet you at Short and Main Streets?"

"No."

"Did you meet him last Friday with a motor car, and did you ask him to buy a gun for you?"

"No. I have had no conversation with him about a gun."

"Didn't you two go together to a pawnbroker's office to buy a gun?"

"No."

"Did he buy three cartridges?"

"Not for me."

"For whom?"

"I don't know."

"Do you deny that he did anything toward aiding you to get a gun?"

"Yes."

"Previous to this killing, when was the last time you saw Paul Beattie?"

"I took him Saturday night from our store to his home in my car. He was in the store in the early part of the evening. I left the store at 10 o'clock on Saturday night and reached his home in fifteen minutes. He lives at 201 Randolph Street."

Vigorous Denial.

"Suppose he were to come here and say he delivered to you a gun, or hardware man were to come here and say he had sold a gun to you two last Saturday, what would you say?"

"I would say it was not so."

"What would you say if your cousin were to say he was with you?"

Mr. Smith protested that it was an improper question.

The witness repeated that he knew nothing about the gun.

"Are you and your cousin on friendly terms?"

"Yes, in the main. We had a fuss about Davis Beattie, for whom I was appointed guardian. I took him off to the navy, but that had nothing to do with it. There is no reason I know of why he should be against me."

"Were you not out Monday night with Beulah Binford until 3 o'clock?"

"We decline to answer," said Mr. Smith.

Then came a series of questions, with the same refusal to answer from counsel. Mr. Wendenburg asked in each case whether the reason for declining was because it might incriminate the witness, and again Beattie refused to answer.

"Have you sent any communication to Beulah Binford in the last ten days, sending your love and oceans of kisses?" Mr. Wendenburg asked.

"I object," said Mr. Smith.

"Haven't you in the past ten days made preparations with Beulah Binford to furnish a home for her?"

"No."

"Haven't you furnished her money for that purpose?"

"We decline to answer," cut in Mr. Smith.

Beulah's Furniture Bills.

"Haven't you asked her to get itemized bills of furniture? Haven't you told her that you would be good? When did you last see this woman? Were you with her on Monday night in a dispute about house?"

The rain of questions went on, but the witness remained silent.

"Didn't you meet her in Norfolk after her child died in 1910? Didn't you pay the funeral expenses?"

No answer.

"Didn't you on last Monday go to the Binford girl's home, on West Main Street, in Richmond? Didn't you once send this young woman to school and in her education?"

Still the refusal to reply to any questions of this sort.

"Haven't you stated that this was the gun that did the killing?"

"I said that was the gun they found, and we took it for granted it did the killing. It was a single-barreled gun and in general looked like that."

"When were married did your wife know of your past relations with this Binford woman?"

"She knew all about it. Everybody knew of it."

"Did your wife know your relations with this woman were being continued?"

The witness declined to answer.

FRANCE TO ABOLISH AUTO SPEED LIMIT

Drivers Put on Honor Not to Run Machines to Danger of Common Good.

CARS MUST PASS ON RIGHT

Rule of the Road to Be Conform to That of Great Britain.

Paris, September 3.—Vital changes will take place next month in the regulations governing automobile driving in France.

The legal limit of speed in the open country has previously been thirty kilometers (18 3-4 miles) an hour, though in reality there has been a sort of unwritten law that one made what speed he would, so long as he did not trespass upon the rights of other road users. This disregard of an existing law was the entering wedge, and now, from the Minister of Public Works comes the information that the thirty kilometers limit is to be technically abolished.

Henceforth the driver of an automobile is on his honor, as it were, not to drive to the danger of the common good, which means not driving fast under circumstances and conditions wherein danger would be thus implied. The objection to the former law was that most people interpreted it as meaning that anything up to the limit was a reasonable speed under all conditions, save where a local community cut it down to six, eight or ten kilometers an hour, and so placarded the entrances to their villages.

It is also proposed to grant the road owner inalienable rights on the road over those of the pedestrian. In country France, and often within the towns where no sidewalks exist, pedestrians walk in the middle of the road. Now, warned by the presence of an automobile by the sounding of a horn or bell, he will remain there at his own peril.

The rule of the road in France will also be changed to correspond to that of Great Britain, which, every one knows, or at least believes, or has believed up to the present time, is wrong. What new developments and arguments have appeared in favor of driving on the left and passing on the right as being preferable to the procedure in America, and, indeed, pretty much everywhere else, except in the British Isles, is not officially explained.

Possibly there is much to say on each side, but the preponderance of opinion would seem to be in favor of meeting on the right and passing on the left, though it is undeniable that two approaching automobiles with steering wheels placed, as in the majority of instances at the present time, on the right, there is perhaps more safety in getting by each other at high speed.

One reason why it is proposed to put this law in application in France is because of a certain class of slow-going wheeled traffic, that of heavily laden country carts, where the driver is as often on foot as aboard his load. The law compels him to stand by the right of the horse's head. If he is thus overtaken by a passing automobile he will still be between it and his horse, and will be better able to control the animal.